

# House Study Bill 34 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

## A BILL FOR

- 1 An Act relating to sexual misconduct with offenders and
- 2 juveniles, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.16, Code 2015, is amended to read as  
2 follows:

3 **709.16 Sexual misconduct with offenders and juveniles.**

4 1. ~~An~~ Any peace officer, or an officer, employee,  
5 contractor, vendor, volunteer, or agent of the department of  
6 corrections, or an officer, employee, or agent of a judicial  
7 district department of correctional services, who engages in  
8 a sex act with an individual committed to the custody of the  
9 department of corrections or a judicial district department of  
10 correctional services commits an aggravated misdemeanor.

11 2. a. ~~An~~ Any peace officer, or an officer, employee,  
12 contractor, vendor, volunteer, or agent of a juvenile placement  
13 facility who engages in a sex act with a juvenile placed at  
14 such facility commits an aggravated misdemeanor.

15 b. For purposes of this subsection, a "*juvenile placement*  
16 *facility*" means any of the following:

17 (1) A child foster care facility licensed under section  
18 237.4.

19 (2) Institutions controlled by the department of human  
20 services listed in section 218.1.

21 (3) Juvenile detention and juvenile shelter care homes  
22 approved under section 232.142.

23 (4) Psychiatric medical institutions for children licensed  
24 under chapter 135H.

25 (5) Facilities for the treatment of persons with  
26 substance-related disorders as defined in section 125.2.

27 3. ~~An~~ Any peace officer, or an officer, employee,  
28 contractor, vendor, volunteer, or agent of a county who engages  
29 in a sex act with a prisoner incarcerated in a county jail  
30 commits an aggravated misdemeanor.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 This bill relates to sexual misconduct with offenders and  
35 juveniles.

1     The bill specifies that a peace officer shall not engage in  
2 a sex act with an individual committed to the custody of the  
3 department of corrections or a judicial district department of  
4 correctional services.

5     The bill specifies that a peace officer shall not engage  
6 in a sex act with a juvenile placed at a juvenile placement  
7 facility.

8     The bill further specifies that a peace officer shall not  
9 engage in a sex act with a prisoner incarcerated in a county  
10 jail.

11    A "sex act" is defined in Code section 702.17.

12    A peace officer who violates the bill commits an aggravated  
13 misdemeanor. An aggravated misdemeanor is punishable by  
14 confinement for no more than two years and a fine of at least  
15 \$625 but not more than \$6,250.